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Richard C. Duncan

1953

Nov. 5

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CONCORD, N.H.

Dr. Ernest L. Shepherd, Director  
Division of Alcoholism  
67 State Street  
Concord, New Hampshire

Dear Dr. Shepherd:

In reply to your question whether collection of delinquent accounts for services rendered to voluntary patients of your Division would violate the statutory requirement of confidentiality of your records, I advise as follows:

Paragraph 7, section 12 of chapter 254, Laws of 1947 as amended by chapter 207, Laws of 1951, provides that all records pertaining to voluntary patients shall be kept confidential and not disclosed except in cases not pertinent to the question. Section 12, chapter 254 of the Laws of 1947 as amended by section 12, part 12, chapter 5, Laws of 1951 provides that the patient, insofar as possible, shall seek to be reimbursed by the patient for any item of expense incurred by the Division in connection with the commitment, care, custody, treatment and rehabilitation of the patient. This section further provides that the Executive Director shall determine whether the patient is able to bear the cost of a commitment to said commitment, care, custody, treatment and rehabilitation. These provisions would impose a liability upon the patient, if ability to pay is found, to pay for the expense incurred by your Division.

The provision respecting confidentiality is obviously a provision for the benefit of the patient. If the patient ignores his liability with respect to paying, he should not be able to avoid this liability by taking advantage of another provision in the act which had his welfare in mind. The patient should not be able to obtain the benefits of the act if he voluntarily chooses to ignore his obligations thereunder. I therefore advise that it would not violate the confidential portion of the statute to institute collection proceedings against a patient who has ability to pay and refuses to make such payment.

Very truly yours,

Richard C. Duncan  
Assistant Attorney General

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